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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/583,321	05/30/2000	Charles R. Berg		1549

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EXAMINER

HARRISON, JESSICA

ART UNIT	PAPER NUMBER
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3714

DATE MAILED: 05/12/2003

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Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
09/583,321

Applicant(s)  
Berg et al.

Examiner  
J. Harrison

Art Unit  
3714



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Amendment of 3/4/2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-81 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-81 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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### **DETAILED ACTION**

Applicant's response of March 4, 2003 is noted. No amendments have been made to the specification or to the claims.

#### ***Specification***

Second notice:

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The instant abstract is too short to describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

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Second Notice:

The claims are objected to as they do not begin on a separate sheet as required by 37 CFR 1.75(h).

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Vancura (US2001/0038178) in view of Brossard (6,302,790).

The rejection contained in the prior office action is maintained and repeated hereinbelow.

Vancura discloses a knowledge-based casino game provided as a bonus game to an underlying game or as a stand alone game. Included in Vancura is a FAMILY FEUD embodiment as described beginning at [0070]. Vancura provides an electronic database of a plurality of questions for presentation to the player, provides an electronic database of a plurality of answers, assigns a value to at least one answer, presents questions, displays values and awards values as claimed in each independent claim. Vancura only differs from independent claims 1,7,20,30,36,46,55,64 and 74 in that these claims require "electronically selecting" one of the

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answers, wherein Vancura presents answers and awaits a player selection. However, as one can readily recognize, awaiting a players response will substantially slow game play, as a player may study and consider his choices for an indefinite period of time. Such loss of time equates to loss of revenue for the casino. In an analogous bonus game arrangement, the teachings of Brossard would illuminate a solution to this problem. In Brossard, a similar knowledge based bonus game is suggested: one modeled after the well known and popular game JEOPARDY. See Brossard, figure 2 and corresponding description. Brossard randomly selects the 'answer' for the player after an entertaining display of approximately 8 seconds. In this manner, speed of play can be controlled. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify the Vancura teachings to have the machine 'electronically select' one of the answers to the knowledge based game after a brief period of time, in order to ensure a reasonable play rate. Regarding claim 7, note Vancura teaches utilizing desirable and undesirable answers at [0081]. Regarding claim 20, the inclusion of the selection of wrong answers would have been obvious to more closely simulate the well known television version of FAMILY FEUD. Regarding claims 30, 36, and 46, it would have been obvious to one of ordinary skill in the art at the time of the invention to provide a plurality of questions and allow selection of a question in the Vancura game, as modified by Brossard, in order to provide the player with some feeling of control over the outcome of the bonus game. The same holds true for allowing a player to select a payout value to play for and providing the corresponding question and randomly selected answer, as called for in claims 55 and 74. Regarding claim 64, value assignment to

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question/answer pair possibilities obviously follow from the setting of the odds as discussed in Vancura. With respect to the dependent claims, they appear to repeat substantially the same subject matter grouped under each dependent claim, and will be discussed under general topic herein, with limited claim reference. As to the order of presentation of questions and answers (for example, claims 2-6), this will define whether the game will be themed as JEOPARDY (answer first) or FEUD (question first). As both are discussed in the above references, the particular choice of order would be obvious to one of ordinary skill dependent upon game implementation. Regarding the claimed source of databases (at least claims 9, 10, ), note Vancura teaches interviewing humans as was also done on the original FEUD game show. Finally, regarding the specific number of undesirable answers/desirable answers (at least claims 23 - 29), absent criticality these parameters would be defined by the odds and specific implementation regulation, and would have been well within ordinary skill for establishing.

### ***Response to Arguments***

Applicant's arguments filed March 4, 2003 have been fully considered but they are not persuasive.

First, applicant submits the combination set forth above is improper because, in applicant's opinion, Vancura teaches away from the pending claims. Applicant opines Vancura is apparently concerned solely with adding player skill to a casino game and thus teaches away from applicant's goal of adapting question and answer games into a game of chance for play in a casino

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environment. Applicant's points are not well taken in that it appears applicant is not viewing the intent of Vancura in its entirety. In Vancura, "apparent skill" encompasses the range of a player's "perfect knowledge" as well as a player with "no knowledge". A player with no knowledge is essentially and effectively a random event. See para [009], next to last sentence, at least. In Vancura, a player, and the casino, are protected when a player is simply guessing, and guessing is a random event. Thus, Vancura does not teach away from the pending claims or from the proposed combination with Brossard.

Next, applicant submits the modified Vancura would not be fit for its intended purpose. As pointed out above, this argument also fails. As Vancura does encompass "no knowledge", or random answers, in his calculations, his intended purpose is not affected by the proposed modification to automatically randomly choose answers in order to control the time of play. Further, applicant submits modifying Vancura would improperly change its principle of operation. This statement assumes the propriety of the above arguments, and also fails as Vancura indeed encompasses a chance embodiment in his principle of operation.

Finally applicant submits Vancura teaches away from Brossard making the combination improper. Applicant bases this assertion on the assumption Vancura teaches away from Brossard. However, as outlined above, Vancura does not teach away from Brossard. Because Vancura encompasses a random selection, Brossard is clearly appropriate for the reasons outlined by the examiner.

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*Conclusion*

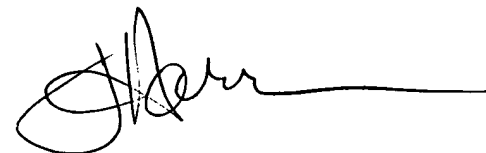
**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to J. Harrison whose telephone number is (703) 308-2217.

jjh

May 8, 2003



JESSICA HARRISON  
PRIMARY EXAMINER